

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SONOMA FOODS, INC.,

Plaintiff,

No. C 07-00554 JSW

v.

SONOMA CHEESE FACTORY, LLC, et al.,

Defendants.

AND RELATED COUNTERCLAIMS

**ORDER (1) DENYING
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT AND (2) GRANTING
DEFENDANTS' MOTION TO
DISMISS INDIRECT
MISAPPROPRIATION CLAIM**

Now before the Court are defendants and counter-claimants Sonoma Cheese Factory, LLC ("Cheese Factory"), L. Peter Viviani, Maria Viviani, and Sally Gries' (collectively, "Defendants") motion for partial summary judgment and motion to dismiss plaintiff and counter-defendant Sonoma Foods, Inc.'s ("Plaintiff") indirect misappropriation claim. The Court finds that these matters are appropriate for disposition without oral argument and the matters are deemed submitted. *See* N.D. Civ. L.R. 7-1(b). Accordingly, the hearing set for April 4, 2008 is VACATED. Having carefully reviewed the parties' papers, considered their arguments and the relevant legal authority, the Court hereby DENIES Defendants' motion for partial summary judgment and GRANTS Defendants' motion to dismiss Plaintiff's indirect misappropriation claim.¹

¹ The Court HEREBY GRANTS Defendants' motion to file under seal Exhibit E attached to the declaration of L. Peter Viviani.